

HOUSE BILL 1152

By Sexton C

AN ACT to amend Tennessee Code Annotated, Title 42,
Chapter 4 and Title 67, relative to the authorization
for metropolitan airports to charge fees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 42, Chapter 4, is amended by adding
the following language as a new, appropriately designated section:

(a) For purposes of this section:

(1) "Airport fee" means any fee, rental, rate, or other charge imposed by
the authority against a vendor; and

(2) "Vendor" means any person or legal entity operating under an
agreement to provide ground transportation services, including, but not limited to,
shuttle services, shared van rides, and off-site parking.

(b) Any authority created by a metropolitan government having a population of
not less than one hundred thousand (100,000) shall:

(1) Have control of its airport with the right and duty to:

(A) Establish and charge airport fees, and collect revenues from
such fees, not inconsistent with the rights of the holders of its bonds; and

(B) Enter into agreements with vendors for the payment of airport
fees.

(2) Assess and impose airport fees without unjust discrimination, undue
preferences, or advantages. Airport fees shall be calculated based solely on a
vendor's commercial use of the airport facilities. Airport fees shall not be based
on any calculation related to the benefits derived, degree of competition, or

business activities conducted off airport property. Airport fees shall be assessed by the authority equitably and consistently upon vendors whose physical use of the airport are similar in nature;

(3) Ensure that vendors whose physical use of the airport facilities are similar in nature have equal rights of access to the airport for their commercial use; and

(4) Have the right to increase airport fees imposed by the authority on any class of vendors in an amount that:

(A) Is less than or equal to the cumulative percentage increases in the annual inflation rate for the United States or the average consumer price index, as reported by the United States department of labor, bureau of labor statistics, occurring during the period since the most recent airport fees were imposed on such vendors in accordance with subdivision (b)(2), or since the most recent increase in airport fees were imposed in accordance with this subdivision (b)(4), as applicable;

(B) Was agreed upon by the class of vendors affected by such increase; or

(C) Is approved by a two-thirds (2/3) vote of the governing body of the municipality; provided, that prior to any vote by the governing body of the municipality to approve an airport fee increase, an authority shall provide notice to all vendors to which the fee may apply.

(c) The authority may provide notice by delivery of a letter to the vendor's address on file with the authority notifying the vendor of an opportunity to be heard. The notice shall be served on the vendor not less than sixty (60) days prior to any hearing on the airport fee increase.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.